



*GUJARAT UNIVERSITY
WOMEN'S DEVELOPMENT
CELL : REGULATIONS, 2005*

POLICY & GUIDELINES,

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GUJARAT UNIVERSITY WOMEN'S DEVELOPMENT CELL

WHEREAS the Hon'ble Supreme Court has in the judgment of Vishakha and others v. State of Rajasthan and others, reported in 1997(6) SCC 241, directed that the employers, the other responsible persons in-charge of working-places or other institutions shall prevent or deter the commission of acts any kind of harassment including sexual harassment. They shall provide the procedure for the resolution, settlement or prosecution of acts of harassment including sexual harassment by taking all required steps. Women shall have right to gender equality and to work with dignity and to have environment safe and protected from sexual harassment or abuse and appropriate work conditions in respect to health and hygiene.

AND WHEREAS it is necessary and expedient to ensure the prevention of any harassment of women including sexual harassment.

In pursuance of the aforesaid directions of the Hon'ble Supreme Court, the Gujarat University constitutes a Cell for the above purpose.

1. SHORT TITLE, APPLICABILITY AND COMMENCEMENT :

- (A) These Regulations may be called "**Gujarat University Women's Development Cell : Regulations, 2005**".
- (B) It shall come into force from the date of its publication.
- (C) It shall apply to the employers/management, students, teaching and non-teaching staff and the employees of the Gujarat University, and its affiliated colleges and other recognized institutions.

2. DEFINITIONS :

- (a) "Act" means the Gujarat University Act, 1949;
- (b) "Cell" means the Gujarat University Women's Development Cell constituted under Regulation 3;
- (c) "College" means college and the institution affiliated to the Gujarat University;

- (d) “Employee” means any person on the staff of the University or any of the affiliated colleges or recognized institutions to which these Regulations are applicable, including any teaching or non-teaching staff, temporary, part-time, honorary, visiting employee and the persons engaged in examination duties by whatever designation called, and would include persons employed on a leave vacancy, casual or project basis or employed through a contractor;
- (e) “Management” means and includes the trustees or the managing or governing body by whatever name called, of any trust registered under the Bombay Public Trust Act, 1950 (Bombay XXIX of 1950) or any society registered under the Societies Registration act, 1860 (21 of 1860), under whose management a college is;
- (f) “NGO” includes any Non-Governmental Organisation operating on a secular non-Profit basis and involved in the amelioration of the status of women and children.
- (g) “Rules” means the Colleges/ Institutions, Teachers’ Conditions of Service (Conduct and Discipline) Ordinance, 1985, and includes any such directions under the Act;
- (h) “Sexual harassment” includes such unwelcome sexually determined behaviour (whether directly or by implication) as :
 - (i) physical contact and advances;
 - (ii) a demand or request for sexual favours;
 - (iii) sexually coloured remarks;
 - (iv) showing pornography;
 - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- (i) “Student”, a ‘student’ as defined in the Act;
- (j) “Vice Chancellor” means the Vice Chancellor of the Gujarat University;

3. CONSTITUTION OF THE CELL

The Gujarat University Women’s Development Cell shall consist of following fifteen members, who shall be appointed by the Vice Chancellor as under, namely :

- (i) **The Vice Chancellor**, who shall be the **President**;
- (ii) **A senior woman member** from the University faculty, as the **Vice President**;

- (iii) **One retired Judge** of a Civil Court (Senior Division) **or** an **advocate** having practice not less than seven years, as may be nominated by the Executive Council / Vice Chancellor;
- (iv) **Two teachers** from the Departments of University, of whom one shall be a woman;
- (v) **Two Principals** from the colleges or recognized institutions, of whom one shall be a woman.
- (vi) **Two teachers**, conveners of the **Collegiate Women's Development Committee**, of whom one shall be a woman;
- (vii) **Two persons** from the Non-Governmental Organizations; of whom one shall a woman;
- (viii) **Two women** non-teaching employees, of whom one shall be from the Gujarat University and another from the colleges or recognized institutions;
- (ix) **Two women** representatives from Women's Organizations;
- (x) **Two girl-students**, of whom one shall be an undergraduate from the colleges or recognized institutions and another shall be from the Departments of the Gujarat University.

(Note : One of the woman members who is from the teaching or non-teaching employees of the Gujarat University working in the office or departments on the Gujarat University Campus as the **Member Secretary** of the Cell)

4. **DISQUALIFICATION :**

No person shall be appointed or continue to be a member of the Cell, if ;-

- (a) declared insolvent by the competent Court;
- (b) lunatic or a person of unsound mind;
- (c) convicted for an offence involving moral turpitude;
- (d) involved in a misconduct amounting to immoral trafficking;
- (e) convicted in any criminal offence/s;
- (f) facing any inquiry relating to sexual harassment or found guilty of sexual harassment;
- (g) punished for any misbehaviour or misconduct.

5. **TERMS OF OFFICE :**

The members of the Cell shall hold office for a period of three years except where a person ceases to be an employee, a student or as the case may be a member of any NGO, in that case, he shall cease to be a member of the Cell.

6. **MEETING OF THE CELL :**

- (1) The members of the Cell shall meet at least four times in a year and there shall not be any interval of more than three months between the two successive meetings.
- (2) The President shall preside over the meeting and in absence of the President, the Vice President shall preside over the meeting and, in absence of both the President and the Vice President, the Member chosen by the members present at the meeting shall preside over the meeting of the Cell.
- (3) The President of the Cell may, at any point of time and shall upon the request of not less than one third of the total members of the Cell, call a meeting of the Cell on a date not later than fifteen days after the receipt of such requisition.
- (4) The quorum of the meeting of the Cell shall be one third of its members. If the quorum is not complete in any meeting, it shall be adjourned for half an hour and thereafter, the meeting shall proceed with those members who are present in the meeting.
- (5) All the questions at a meeting shall be decided by a majority of votes of the members present. In the event of equality of votes, the President or the member presiding over the meeting shall have a second or casting vote.
- (6) The Rules of procedure for transaction of business at the meeting and the place of meeting shall be such as may be determined by the Cell.

7. **ALLOWANCES :**

The travelling allowances, daily allowances and conveyance allowances payable to the members of the Cell for attending the meeting of the Cell or its Committee such as may be determined by the Cell.

8. **POWERS & FUNCTIONS OF THE CELL :**

- (a) To ensure implementation of these Regulations in the University and colleges and other constituents to which they are applicable.
- (b) To ensure and supervise the proper constitution and functioning of the Collegiate Women's Development

Committee (CWDC) set up in the colleges and recognized institutions.

- (c) To organize regular workshops and training programmes for members of the CWDC in the colleges and recognized institutions.
- (d) To process individual grievances concerning any kind of harassment including sexual harassment in the Gujarat University Office and Departments and to take suitable action in the manner and mode particularly provided hereafter.
- (e) To formulate programmes for the spread of awareness of these regulations among the Managements of colleges and recognized institutions, employees and the students.
- (f) To bring out publications in Indian languages and English language concerning harassment and also concerning the implementation of these regulations.
- (g) To hold annual programmes, seminars, workshops and meetings regarding Women's Development and any kind of Harassment, to propagate against sexual harassment amongst Managements, students and employees of the colleges and recognized institutions and for that purpose to invite experts or resource persons.
- (h) To set up pools; one each for NGOs and Women's Associations working within the geographical area of the University for carrying out the purposes of these regulations.
- (i) To act as the Appellate Authority in respect of the decisions taken by the CWDC in the colleges and recognized institutions.
- (j) To exercise such other powers and perform such other duties as may be conferred or imposed on it by or under these regulations.
- (k) To do all such activities and things as may be necessary to carry out the objectives of these regulations.
- (l) The Cell shall constitute one or more Committees for implementation of women's policy in general and for dealing with the cases/ complaints of any kind relating to sexual harassment.

9. **STATUS OF THE CELL :**

For all the purposes, the Cell shall be treated as one of the departments of the Gujarat University.

10. **HEAD QUARTER :**

The head quarter of the Cell shall be at Ahmedabad in the campus of the Gujarat University.

11. **ADEQUATE STAFF AND INFRASTRUCTURE :**

- (i) The staff and the infrastructure required by the Cell shall be provided by the Gujarat University.
- (ii) All the records of the Cell will be maintained & preserved by the Member Secretary. She shall be the custodian.

12(a) **RESIGNATION AND FILLING OF VACANCIES IN THE CELL :**

- (i) The member of the Cell may resign from her/his office as a member by tendering his resignation in writing to the President and her/his resignation shall take effect from the date of its acceptance.
- (ii) Where any vacancy occurs in the Cell by reason of death, resignation, disqualification or for any other reason, it shall be filled in by the President in the same manner in which the vacancy occurs.

12(b) **RESIGNATION AND FILLING OF VACANCIES IN THE COMMITTEE :**

- (i) The member of the CWDC may resign from his office by as a member by tendering his resignation in writing to the Chairperson and his resignation shall take effect from the date of its acceptance.
- (ii) Where any vacancy occurs in the CWDC by reason of death, resignation, disqualification or for any other reason, it shall be filled in by the Chairperson in the same manner in which the vacancy occurs.

13. **GRIEVANCE PROCEDURE :**

- (A) Any woman employee or girl student shall have the right to file a complaint concerning any harassment including sexual

harassment against a boy student or a male employee or a representative of the management with any of the members of the Cell as the case may be.

- (B) Such a complaint may be either oral or in writing.
- (C) Any complaint in writing has to be signed by the person making the complaint. If the complaint is oral, the same shall be put in writing (in detail) by the member of the Cell to whom the complaint is made and will be read out to the complainant and will not be acted upon till the same is signed by the complainant.
- (D) The complainant shall be afforded full secrecy at each stage.
- (E) In the event of the complaint being made to the member of the Cell or CWDC, immediately upon receipt of the complaint, and within not more than five working days, the member of the Cell to whom the complaint is made shall communicate the same to the Vice President or the President, as the case may be, of the Cell. The name of the complainant shall be kept confidential and will not be divulged even to the Cell, till the meeting in this regard is convened.
- (F) Within a period of ten working days from the date of such communication, the President of the Cell shall convene a meeting of the Cell to deal with the complaint.
- (G) Within ten working days of the enquiry committee being set up, the Convener shall convene a meeting for which an advance intimation shall be given to the complainant. At the first meeting, the complainant or at her request her representative shall be heard. The Inquiry Committee shall then decide whether the complaint deserves to be proceeded with. The complaint will stand disposed of if according to the CWDC the complainant has not been able to disclose *prima facie* an act of any kind of sexual harassment.
- (H) In case, the Inquiry Committee decides to proceed with the complaint, the wishes of the complainant shall be ascertained and if the complainant wishes that a warning would suffice then the alleged offender shall be called to the meeting of the Cell, heard and if so satisfied that a warning is just and proper, he may be warned about his behaviour. The matter shall then be treated as concluded and disposed of with a note to that effect made in the Complaint Register.

- (I) In case the complainant requests that the complaint should be proceeded with beyond a mere warning, the same may be proceeded with as laid down in regulation 18.

14. **PENALTIES** :

- (1) A person found guilty of any kind of sexual harassment shall be subject to the same penalties for major and minor misconduct as prescribed under the Statutes of the University for the teaching staff and as per the Standard Code Rule, 1984 for non-teaching staff.
- (2) An employee guilty of sexual harassment shall be liable to any of the following penalties :
- (i) Warning, reprimand or censure.
 - (ii) Withholding of increments.
 - (iii) Reduction in Rank.

Provided however, that in addition to all these penalties, the offender is also required to give a written apology to the victim and upon his failure to do so, his case shall be considered for major penalty under relevant statutes of the University or the standard Code Rules.

- (3) A student guilty of sexual harassment shall be liable to any of the following penalties :
- (i) Warning, reprimand or censure.
 - (ii) Suspension from the University/ College/ Institution for a period upto one month.
 - (iii) Debarment from appearing for the final examination for a period upto three years.
 - (iv) Rustication from the University/ College/ Institution as the case may be.

Provided however, that in addition to all these penalties, the offender is also required to give a written apology to the victim and upon his failure to do so, case shall be considered for other action as deemed fit according to prevalent law.

- (4) Any person from the Management found guilty of sexual harassment shall be liable to any of the following penalties;-

- (i) Warning, reprimand or censure.
- (ii) Suspension from the Management of the University/ College/ Institution for a period upto one month.
- (iii) Removal from the Management of the University/ College/ Institution, as the case may be.

15. **COLLEGIATE WOMEN'S DEVELOPMENT COMMITTEE (CWDC) :**

- (1) Each college and recognized institution shall set up a Collegiate Women's Development Committee (CWDC) to deal with complaints of any kind of harassment, including sexual harassment;
- (2) Each college/institution shall inform the Cell about the members of its CWDC and keep the Cell informed about any change therein;
- (3) CWDC shall submit its half yearly report of activities to the Cell.

16. **COMPOSITION OF COLLEGIATE WOMEN'S DEVELOPMENT COMMITTEE :**

The Collegiate Women's Development Committee (CWDC) shall consist of six members, who shall be appointed by the Principal of the college or recognized institution, as under, namely ;-

- (i) Principal of the college or of the recognized institution, who shall be the Chairperson of the Committee;
- (ii) Two members from the teaching staff of the college or of the recognized institution (of whom one shall be a woman);
- (iii) One woman member from the non-teaching staff of the college or of the recognized institution;
- (iv) Two students from the college or of the recognized institutions [(of whom one shall be an L.R. (Lady Representative)];
- (v) Where there is no woman, an employee man may be appointed;

(Note : Out of the two members from teaching staff of the college or of the recognized institutions, the woman member shall be the **Convener** of the Committee)

17. **TERMS OF OFFICE :**

The members of the Committee shall hold office for a period of three years provided that where a person ceases to

be an employee or the student, he shall cease to be a member of the Committee.

18. **POWERS AND FUNCTIONS OF THE COMMITTEE:**

The powers and functions of the Committee shall as such may be determined by the Cell.

19. **DISQUALIFICATION:**

No person shall be appointed or continued to be a member of the Cell/Committee, if ; -

- (a) declared insolvent by the competent Court;
- (b) lunatic or a person of unsound mind;
- (c) convicted for an offence involving moral turpitude;
- (d) involved in a misconduct amounting to immoral trafficking;
- (e) convicted in any criminal offence/s;
- (f) facing any inquiry relating to sexual harassment or found guilty of sexual harassment;
- (g) punished for any misbehaviour or misconduct.

20. **APPEAL AGAINST THE DECISION OF THE COMMITTEE:**

Any person aggrieved by the decision of the Committee may file an appeal within a period of thirty days from the date of decision to the Appellate Committee appointed by the Cell.

21. **SAVINGS:**

- (a) Notwithstanding anything contained in the Statutes, Ordinances, Regulations, Rules and Directives, framed by the University, the provisions of these Regulations shall prevail.
- (b) The proceedings of the Cell or Committee shall not be stalled or postponed on the ground that any Civil or Criminal proceedings are being continued against the delinquent.
- (c) Notwithstanding the pendency of the proceedings before the Cell or before the Committee, the Management of the University or colleges or recognized institutions may proceed against the delinquent for any other misconduct or may pursue the Civil or Criminal proceedings.